

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE				ATTORNEYS			
HOMER H. HUBBARD, JR., vs EMPLOYERS MUTUAL LIABILITY INSURANCE COMPANY OF WISCONSIN, a mutual insurance company, HARRY D. WATSON and ROBERT T. ROUNSAVILLE, M.D., defendants.				For plaintiff: George P. Striplin Vural L. Gilley 701 Beacon Bldg. Tulsa, OK 74103 - 584-7060 For defendant: Richard Carpenter (Employers Mutual & 205 Denver Bldg. Harry D. Watson) Tulsa, OK 74119 Joseph M. Best (Robert T. Rounsaville) Best, Sharp, Thomas & Glass 200 Franklin Bldg. Tulsa, OK 74103			
REMOVAL FROM TULSA COUNTY DISTRICT COURT							
STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.	
J.S. 5 mailed 12-1-74	Clerk		11-11-74	Carpenter	15 00		
			11-14-74	C/D #22		15	00
J.S. 6 mailed 6-1-75	Marshal						
Basis of Action: Breach of contract; money judgment.	Docket fee						
	Witness fees						
Action arose at:	Depositions						

Cook

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-11-74	1. Petition for Removal from District Court, Tulsa Co., OK, filed w/ copy of Second Amended Petition & Statement of Record in State Court. k	
11-11-74	2. Bond on removal in amt. of \$500.00 to Fidelity & Deposit Co. of Maryland, filed.k	
11-11-74	3. Notice of removal, filed.k	
11-11-74	4. Proof of Service of Petition for Removal, Bond on Removal, & Notice of Removal, filed.k	
11-12-74	5. CERTIFICATE of Removal, filed. lm	
11-18-74	6. Appl. of defts. Employers Mutual & Harry D. Watson for time until 12-1-74 to plead or ans, filed.k	
11-18-74	7. Order, filed, granting time until 12-1-74 to ans. for defts. Employers Mutual & Harry D. Watson. (JCS-clk)k cps mld	
11-18-74	8. Motion to Remand, filed by pltf. <u>Brief in support thereof incorporated herein.</u> k	
11-21-74	9. Order, filed, directing pltf. to file concise brief in support of mo/remand within 10 days or motion will be stricken.(FD-J)rm <i>Excess not</i>	
12-2-74	10. MOTION to Dismiss of ^{deft.} Harry D. Watson for Failure to State a Claim,etc., FILED.jj	
12-2-74	11. MOTION to Dismiss of ^{deft.} Employers Mutual Liability Ins. Co. for Failure to State Claim, etc., MOTION to Strike and MOTION for More Definite Statement, filed.jj	
12-3-74	12. <u>Answer</u> of Robert T. Rounsaville, Jr., filed. g	
12-3-74	13. Brief in support of Mots. to Dismiss, to strike, & for more def. statement, filed.k	
12-9-74	14. Ltr. of 12/7/74 from FD to pltf. directing them to respond to mo/dismiss & mo/strike & mo/def. state. of def. Employers Mutl. by 12/22/74. (FD-J)rm	
12-17-74	15. Appl. for order enlarging time to respond to mots. til 1-8-75, filed by pltf. k <i>0 to J</i>	
12-17-74	16. Mot. to dismiss of def. Robert T. Rounsaville, M.D., filed.k	
12-17-74	17. Brief in support of mot. to dismiss of Def. Rounsaville, filed.k	
12-19-74	18. Order, filed, granting pltf. to 1/8/75 to respond to all pending motions to dismiss. (FD-J)rm - copies mailed	
1-6-75	19. Pltf's response to mots. of def., Harry D. Watson, filed.k	
1-6-75	20. Pltf's response to mots. of def. Employers Mutual Liability Insurance Co. of Wisconsin, filed.k	
1-6-75	21. Brief in support of pltf's reponses to mots. of defts. Employers Mutual Liability Ins. Co. of Wisconsin & Harry D. Watson, filed.k	

(continued)

Cook

D. C. 110A Rev. Civil Docket Continuation

Sheet 2

Page 3

9

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-6-75	22. Pltff's response to mot. to dismiss of deft. Robert T. Rounsaville, M. D., filed.k	
1-6-75	23. Brief in support of response of pltf. to mot. to dismiss of deft. Rounsaville, filed.k	
1-6-75	24. Supplemental brief in support of pltf's response to mot. to dismiss of deft. Rounsaville, filed.k	
1-8-75	MO: Ordered by the Ct. that this case is transferred to Judge Cook(FD-J)rm	
3-6-75	MO: Case set for hearing on mo/dismiss of deft. Watson for failure to state a claim, etc.; mo/dismiss of deft. Emp. Mutual for failure to state a claim, etc., mo/strike & mo/more def. statement; & mo/dismiss of deft. Rounsaville on 3-27-75 at 1:00 P.M. (HDC-J)hm	
3-27-75	MO: Case called for hearing on motions. Statements made. Motion to dismiss of deft. Watson is granted and Mr. Carpenter to prepare order. Motion to dismiss, to strike and for more definite statement of deft. Employers Mutual overruled in part/sustained in part. Motion to dismiss of deft. Rounsaville overruled; pltf. granted leave to file amended complaint within 10 days; deft. Rounsaville given 10 days thereafter to file answer. (HDC-J)hm	
3-31-75	Transcript of proceedings had 3-27-75 on defts' motions to dismiss, filed. hm	
4-2-75	25. Order, filed and entered, sustaining motions of def., Employers Mutual, per hearing of 3/27/75; pltf. is granted 20 days to file amended complaint setting forth a claim as to def. Employers for only amt. of benefits; that pltf.'s claim as to def. Rounsaville are not affected by this order, the claims as to Rounsaville may be renewed in amended complaint. (HDC-J)rm - copies mailed	
4-2-75	26. Order, filed and entered, dismissing pltf. cause of action as to def. Harry D. Watson only. (HDC-J)rm - copies mailed	
4-9-75	27. AMENDED COMPLAINT, filed. JURY TRIAL REQUESTED. <i>v atty said service already made</i>	
4-21-75	28. Defts. Employers Mutual Liability Ins. Co. of Wisconsin & Robt. Rounsaville, M.D., appl. for 10 days to respond to pltf's amended compl., filed.k <i>0100</i>	
4-21-75	29. Order, filed, granting defs. Employers Mutual, & Rounsaville, to 5/1/75 to respond to pltf. amended complaint.(HDC-J)rm-copies md	
4-24-75	30. Motion of Pltf. to Remand Case to District Court, Tulsa County, filed. v	
4-24-75	31. Brief in Support, filed. v	
4-24-75	MO: Ordered by the Court that Deft. is granted 10 days from this date to respond to Pltf.'s Mot. to Remand. (HDC-J)v	
4-28-75	32. Appl. of Pltf. for Dismissal With Prejudice, filed. v (o)	
4-29-75	33. Order of dismissal as to def., Employer Mutual only, filed and entered. (HDC-J)rm - copies mailed	
4-29-75	34. Brief in Support of Mtn. to Dismiss for Failure to State a Cause upon which relief can be Granted., filed.jj	
4-30-75	35. Mo/dismiss of def. Rounsaville, filed. rm	

(contd)

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-30-75	MO: Ordered by the Ct. that pltf. is granted 10 days to file responsive brief to def. Rounsaville's mo/dismiss. (HDC-J)rm-ltr.	
5-2-75	36. Response of deft. Rounsaville to pltf's mo/remand and brief in oppos. thereto, filed. hm	
5-8-75	37. Suppl. brief in support of mot. to remand, filed by Pltf. v	
5-8-75	38. Responsive brief to Mot. to dismiss of Deft. Robert T. Rounsaville, M.D., filed by Pltf. v	
5-27-75	39. Order, filed and entered, that action be remanded to District Court for Tulsa County. (HDC-J)hm (copies mailed counsel & c/c To Clerk, Dist. Ct. of Tulsa County)	